FOIA FEES AND FEE WAIVERS

- OMB HAS RESPONSIBILITY FOR ESTABLISHING FOIA FEE POLICY
- DOD SETS THE UNIFORM FEE SCHEDULE FOR ALL DOD
  - SEARCH/REVIEW: $20, $44, $75
  - DUPLICATION: $.02 PREPRINTED
    $.15 XEROX
    $.25 MICROFICHE
  - AUDIOVISUAL: ACTUAL COSTS

DD FORM 2086

- DD FORM 2086 (REV 5/02) - - - USED TO COMPILE ALL PROCESSING FEES ASSOCIATED WITH PROCESSING A FOIA REQUEST

DEFINITIONS

- SEARCH
  - ALL TIME SPENT LOOKING FOR THE RESPONSIVE MATERIAL, INCLUDING PAGE-BY-PAGE OR LINE-BY-LINE IDENTIFICATION OF MATERIAL WITHIN DOCUMENTS.

DEFINITIONS

- REVIEW
  - DIRECT COSTS INCURRED DURING THE INITIAL EXAMINATION OF A DOCUMENT FOR THE PURPOSE OF DETERMINING WHETHER IT MUST BE DISCLOSED UNDER FOIA.

DEFINITIONS

- DUPLICATION:
  - REPRESENTS THE REASONABLE DIRECT COSTS OF MAKING COPIES OF DOCUMENTS.

CATEGORIES OF REQUESTERS

- COMMERCIAL USE REQUESTER
  - RESPONSIBLE FOR ALL FEES ASSOCIATED WITH SEARCH, REVIEW, AND DUPLICATION
  - DESIGNATION IS BASED ON THE USE TO WHICH THE INFORMATION WOULD BE PUT, RATHER THAN THE IDENTITY OF THE REQUESTER

CATEGORIES OF REQUESTERS

- EDUCATIONAL/NON-COMMERCIAL SCIENTIFIC INSTITUTION
  - WHOSE PURPOSE IS SCHOLARLY OR SCIENTIFIC RESEARCH
  - INCLUDES VARIOUS CATEGORIES OF SCHOOLS – HIGHER LEARNING AND VOCATIONAL EDUCATION
  - CAN CHOOSE DUPLICATION FEES ONLY – NO SEARCH/NO REVIEW

CATEGORIES OF REQUESTERS

- NEWS MEDIA
  - ANY PERSON ACTIVELY GATHERING INFORMATION OF CURRENT INTEREST TO THE PUBLIC FOR AN ORGANIZATION THAT IS ORGANIZED AND OPERATED TO PUBLISH OR BROADCAST NEWS TO THE GENERAL PUBLIC.
  - DUPLICATION FEES ONLY

CATEGORIES OF REQUESTERS

- ALL OTHER REQUESTERS
  - FIRST 2 HOURS OF SEARCH FOR FREE
  - FIRST 100 PAGES OF DUPLICATION FOR FREE
  - ALL FEES UNDER $15 WAIVED

PROCESSING PROTOCOL FOR FEES

- IF FEES ARE APPLICABLE
  - MAKE SURE REQUESTER HAS MADE A STATEMENT AS TO WILLINGNESS TO PAY FEES
  - IF FEES ARE EXPECTED TO EXCEED $250, YOU MAY COLLECT THE FEE UP FRONT
    - If requester is delinquent on paying previous fees, you do not have to honor the request until fees are paid
    - Once you complete processing, you may ask for the fee prior to making a release

FEE ASSESSMENTS

- FEES MAY NOT BE USED TO DISCOURAGE REQUESTERS
- DON ACTIVITIES SHALL INDICATE WHAT FEE CATEGORY THE REQUESTER HAS BEEN PLACED
- ACTIVITIES MUST BE PREPARED TO PROVIDE AN ESTIMATE OF FEES

AGGREGATING REQUESTS

- A REQUESTER (INDIVIDUAL OR GROUP OF INDIVIDUALS ACTING IN CONCERT) MAY NOT FILE MULTIPLE REQUESTS AT THE SAME TIME, EACH SEEKING PORTIONS OF A DOCUMENT OR DOCUMENTS, SOLELY TO AVOID PAYMENT OF FEES.
- ACTIVITIES ARE AUTHORIZED TO AGGREGATE THESE KINDS OF REQUESTS.

FEE WAIVERS

- AUTOMATICALLY WAIVE FEES FOR REQUESTS THAT FALL UNDER $15
- REQUESTERS HAVE TO SUBSTANIATE REQUESTS FOR WAIVER AS FOLLOWS:
  - DISCLOSURE OF THE INFORMATION IS LIKELY TO CONTRIBUITE SIGNIFICANTLY TO PUBLIC UNDERSTANDING OF THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT

FEE WAIVERS

- THE SUBJECT OF THE REQUEST. INVOLVES ISSUES THAT WILL SIGNIFICANTLY CONTRIBUTE TO THE OPERATIONS OR ACTIVITIES OF DON/DOD.
- THE INFORMATIVE VALUE OF THE INFORMATION TO BE DISCLOSED.
- CONTRIBUTION TO AN UNDERSTANDING OF THE SUBJECT BY THE GENERAL PUBLIC LIKELY TO RESULT FROM DISCLOSURE.

FEE WAIVERS

- THE SIGNIFICANCE OF THE CONTRIBUTION TO PUBLIC UNDERSTANDING.
- DISCLOSURE IS NOT PRIMARILY IN THE COMMERCIAL INTEREST OF THE REQUESTER.

DENIAL OF FEE WAIVER

- MUST BE SIGNED BY IDA
- CAN BE APPEALED
- SHOULD CONTAIN SUFFICIENT RATIONALE AS TO WHY DENIAL IS BEING MADE

PAYMENT OF FEES

- GOES TO THE TREASURER OF THE UNITED STATES, UNLESS WORK IS PERFORMED BY A BUSINESS OPERATING FUND ACTIVITY
- CHECK OR MONEY ORDER
- NO CHARGE CARDS AT THIS TIME

WHEN ASSESSING FEES

- USE DD FORM 2086 TO IDENTIFY ALL FEES ASSOCIATED WITH THE PROCESSING OF THE REQUEST
- WHILE THE DD FORM COLLECTS ALL FEES FOR USE WHEN COMPILING THE ANNUAL FOIA REPORT, YOU MAY ONLY CHARGE THOSE FEES APPLICABLE FOR THE CATEGORY OF REQUESTER